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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210344
Party	Defendant Civilized Sleep Solutions, Inc.
Correspondence Address	KEVIN M. WELCH THE LAW OFFICE OF KEVIN M. WELCH PO BOX 494 HERMOSA BEACH, CA 90254-0494 kevin@kmwlawoffice.com
Submission	Answer
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Date	05/31/2013
Attachments	13.05.31 Answer.pdf(389020 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No.: 85/722,205

Filed: September 6, 2012

For the mark: PERFORMANCE ENHANCED MATTRESS SOCIETY OF SLEEP (Stylized)

Published in the Official Gazette on February 19, 2013

GUARD MASTER, INC.

Opposer,

v.

Opposition No.: 91210344

CIVILIZED SLEEP SOLUTIONS, INC.,

Applicant.

ANSWER

In the above referenced Opposition to Serial No. 85/722,205, CIVILIZED SLEEP SOLUTIONS, INC. ("Applicant"), by and through its attorney, Kevin M. Welch, hereby answers the allegations in the Notice of Opposition as Follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "1" of the Notice of Opposition, and therefore denies the same.
2. Applicant admits the allegation contained in Paragraph "2" of the Notice of Opposition.
3. Applicant admits the allegation contained in Paragraph "3" of the Notice of Opposition.

4. Applicant admits the allegation contained in Paragraph “4” of the Notice of Opposition.
5. Applicant admits its application serial no. 85/722,205 currently claims a 1B basis, Applicant denies that its application filing basis has any bearing on whether Applicant has used the mark at issue in United States Commerce.
6. Applicant denies the allegation contained in paragraph “6” of the Notice of Opposition.
7. Applicant repeats and incorporates by reference its Answers of Paragraphs 1-6.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “8” of the Notice of Opposition, and therefore denies the same.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “9” of the Notice of Opposition, and therefore denies the same.
10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “10” of the Notice of Opposition, and therefore denies the same.
11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “11” of the Notice of Opposition, and therefore denies the same.
12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “12” of the Notice of Opposition, and therefore denies the same.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "13" of the Notice of Opposition, and therefore denies the same.
14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "14" of the Notice of Opposition, and therefore denies the same.
15. Applicant admits the allegation contained in Paragraph "15" of the Notice of Opposition.
16. Applicant denies the allegation contained in Paragraph "16" of the Notice of Opposition.
17. Applicant denies the allegation contained in Paragraph "17" of the Notice of Opposition.
18. Applicant denies the allegation contained in Paragraph "18" of the Notice of Opposition.
19. Applicant repeats and incorporates by reference its Answers of Paragraphs 1-18.
20. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "20" of the Notice of Opposition, and therefore denies the same.
21. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "21" of the Notice of Opposition, and therefore denies the same.

22. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "22" of the Notice of Opposition, and therefore denies the same.
23. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "23" of the Notice of Opposition, and therefore denies the same.
24. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "24" of the Notice of Opposition, and therefore denies the same.
25. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "25" of the Notice of Opposition, and therefore denies the same.
26. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "26" of the Notice of Opposition, and therefore denies the same.
27. Applicant admits the allegation contained in Paragraph "27" of the Notice of Opposition.
28. Applicant denies the allegation contained in Paragraph "28" of the Notice of Opposition.
29. Applicant denies the allegation contained in Paragraph "29" of the Notice of Opposition.
30. Applicant denies the allegation contained in Paragraph "30" of the Notice of Opposition.

31. Applicant repeats and incorporates by reference its Answers of Paragraphs 1-30.
32. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "32" of the Notice of Opposition, and therefore denies the same.
33. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "33" of the Notice of Opposition, and therefore denies the same.
34. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "34" of the Notice of Opposition, and therefore denies the same.
35. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "35" of the Notice of Opposition, and therefore denies the same.
36. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "36" of the Notice of Opposition, and therefore denies the same.
37. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "37" of the Notice of Opposition, and therefore denies the same.
38. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "38" of the Notice of Opposition, and therefore denies the same.

39. Applicant admits the allegation contained in Paragraph “39” of the Notice of Opposition.
40. Applicant denies the allegation contained in paragraph “40” of the Notice of Opposition.
41. Applicant denies the allegation contained in paragraph “41” of the Notice of Opposition.
42. Applicant denies the allegation contained in paragraph “41” of the Notice of Opposition.
43. Applicant repeats and incorporates by reference its Answers of Paragraphs 1-42.
44. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “44” of the Notice of Opposition, and therefore denies the same.
45. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “45” of the Notice of Opposition, and therefore denies the same.
46. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “46” of the Notice of Opposition, and therefore denies the same.
47. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph “47” of the Notice of Opposition, and therefore denies the same.

48. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "48" of the Notice of Opposition, and therefore denies the same.
49. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "49" of the Notice of Opposition, and therefore denies the same.
50. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "50" of the Notice of Opposition, and therefore denies the same.
51. Applicant admits the allegation contained in Paragraph "51" of the Notice of Opposition.
52. Applicant denies the allegation contained in paragraph "52" of the Notice of Opposition.
53. Applicant denies the allegation contained in paragraph "53" of the Notice of Opposition.
54. Applicant denies the allegation contained in paragraph "54" of the Notice of Opposition.
55. Applicant repeats and incorporates by reference its Answers of Paragraphs 1-54.
56. Applicant denies the allegation contained in paragraph "56" of the Notice of Opposition.
57. Applicant denies the allegation contained in paragraph "57" of the Notice of Opposition.

58. Applicant denies the allegation contained in paragraph "54" of the Notice of Opposition.

WHEREFORE, Applicant prays that this Opposition be dismissed and that registration of its mark PERFORMANCE ENHANCED MATTRESS SOCIETY OF SLEEP (Stylized) as shown in Application Serial No. 85/722,205 be issued.

Respectfully submitted,

Dated: _____

5/31/2013

By: _____



Kevin M. Welch

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Attorney for Applicant
Civilized Sleep Solutions, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing ANSWER has been served upon Ludomir A. Budzyn, counsel for Guard Master, Inc., via First Class United States Mail, Postage prepaid, on May 31, 2013 at the following address:

**Ludomir A. Budzyn
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, NY 11791-4407**

Dated: _____

5/31/2013

By: _____


Kevin M. Welch

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